

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Delvin Lamont Shaw,

Plaintiff,

-vs-

Shannon Shell, Correctional Officer at
Grand Forks County Correctional
Center (in his individual and official
capacity) and Grand Forks County
Correctional Center,

Defendants.

Case No. 2:15-cv-102

**ORDER ADOPTING AMENDED
REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received an Amended Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.¹ The Amended Report and Recommendation recommends: (1) the claim against Grand Forks County Correctional Center be dismissed with prejudice; (2) the claim against Shannon Shell in his official capacity be dismissed without prejudice; (3) the claim against Shannon Shell in his personal capacity be allowed to proceed; and (4) the court defer ruling on Shaw's request to receive video foot of the alleged incident. No objections have been filed within the prescribed time period.

After reviewing the record and the magistrate judge's Amended Report and Recommendation, the court finds the magistrate judge's analysis and recommendations for disposition are appropriate. Accordingly, the court hereby adopts the Amended Report and Recommendation in its entirety. **IT IS HEREBY ORDERED:**

- (1) The claim against Grand Forks County Correctional Center is dismissed with prejudice;

¹ Doc. #13.

- (2) The claim against Shannon Shell in his official capacity is dismissed without prejudice; and
- (3) The excessive force claim against Shannon Shell in his personal capacity is allowed to proceed. Because the court is only conducting an initial review, it defers ruling on Shaw's request to receive video footage of the alleged incident.

Dated this 2nd day of March, 2016.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court